

claims of sovereignty over Taiwan. It has only "acknowledged" the PRC's position. Until now.

Regardless of how the White House spins the President's statement, the Administration has now in effect recognized Beijing's version of a One China policy. The Chinese will not permit the President's statement to be forgotten.

The future of Taiwan must be settled peacefully and not by one side dictating terms to the other. Regrettably, the President's statement has seriously undermined the possibility for a peaceful resolution of Taiwan's future by severely weakening Taiwan's bargaining position and enhancing the threat of the use of force by the PRC.

At a minimum, the statement has limited Taiwan's options for participating in international fora to the detriment of Taiwan and the world community. Taiwan's future is a decision for the 21 million people of Taiwan to decide.

I regret the President's comments and I am concerned for the consequences they may bring. Accordingly, I urge my colleagues to support this important resolution. It deserves bi-partisan support. Let us tell the Administration and the Chinese that we stand resolute on Taiwan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution, which expresses the sense of Congress, that Taiwan be recognized as a separate and distinct entity from the People's Republic of China.

The United States has had a working relationship with Taiwan for almost half a century. During that time, we have developed strong economic, political, and social ties with the government and people of Taiwan, and I hope that we will be able to continue that partnership over the next millennia.

Unfortunately, our relationship with Taiwan has undergone strains at certain times. We are in the unenviable position of trying to maintain relations with China, while they are trying to assert their sovereignty over that of the Taiwanese. A careful balance must be maintained, and measures such as this are often necessary to provide reassurances to one side. This is one of those occasions. However, I want to emphasize that the passage of this resolution does not signify an end of relations with China, but it does identify that we are acutely aware of the plight of our friends in Taiwan.

I look forward to making sure that these tensions in the East do not escalate to the level of war. We must remain vigilant during our negotiations with China and cannot allow unfettered acts of aggression to go unnoticed. We must also use the means available to us to convince China that peace is the only option available to them.

American interests in Taiwan are firmly entrenched, and need our protection. Many do not realize, that our trade with Taiwan eclipses that of other nations of which we are far more protective. We must do better than this. It is my hope that this resolution will send a signal to the Taiwanese government that we value their friendship, and will work actively to preserve their interest and ours.

I urge my fellow colleagues to support this resolution, for the well-being, not only of the people of Taiwan, but also for all the people of the region.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of House Concurrent Resolution

301, which reaffirms the commitment of the United States to Taiwan under the Taiwan Relations Act.

I commend the authors of the resolution, the gentleman from Texas, Mr. DELAY, and the gentleman from Kansas, Mr. SNOWBARGER. I further commend the Chairman and ranking member of the House International Relations Committee, Mr. GILMAN and Mr. HAMILTON, and the Chairman and Ranking Member of the House International Relations Subcommittee on Asia-Pacific Affairs, Mr. BEREUTER and Mr. BERMAN, and our other colleagues that have worked toward adoption of this important measure. I am proud to join our colleagues in support of the legislation.

Mr. Speaker, the United States has had a long, close and enduring relationship with Taiwan dating back to the end of World War II. With our support, Taiwan has risen from the ruins of war to become one of the world's most compelling success stories.

Today, Taiwan has the 19th largest economy in the world, is America's 7th largest trading partner, and possesses tremendous foreign exchange reserves on a par with Japan. Taiwan has also made great strides toward democratization, with free and fair elections being held routinely at the local and national levels—culminating in the historic presidential election in 1996.

Clearly, Mr. Speaker, the people of Taiwan must be congratulated for the outstanding accomplishments of their thriving and prosperous democracy of 22 million people. All Americans should take pride in and share the achievements of our close friends.

When the stability of our friends in Taiwan was threatened by China in spring of 1996, I supported the actions taken by the Clinton administration in sending the Nimitz and Independence carrier groups to the Taiwan strait to maintain peace. China's missile tests and threatened use of force contravened China's commitment under the 1979 and 1982 Joint Communiqués to resolve Taiwan's status by peaceful means. The Joint Communiqués, along with the Taiwan relations act, are the foundation of our "One China" policy, which fundamentally stresses that force should not be used in resolution of the Taiwan question. Clearly it is in the interests of the United States and all parties that the obligation continue to be honored.

President Clinton's summit meeting in China achieved several important goals. In the process, however, I do not believe that the welfare and interests of the people of Taiwan were sacrificed.

The United States has shown in recent years that the use of force by China against Taiwan will not be tolerated. The legislation before us reaffirms that fact, and that the United States remains committed to the proposition that the Taiwan question should be resolved peacefully by the people on both sides of the Taiwan strait.

Mr. Speaker, I urge our colleagues to support House Concurrent Resolution 301.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 301.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

BORDER SMOG REDUCTION ACT OF 1998

Mr. BILBRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding the following new subsection at the end:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—No non-commercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a valid visa for purposes of employment or educational study in the United States, may enter a serious, severe, or extreme ozone nonattainment area from a foreign country bordering the United States and contiguous to such nonattainment area more than twice in a single 12-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area. The preceding sentence shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such requirements that are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President of the United States may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200, except that in any case of repeated violations or attempted violations such penalty may not exceed \$400.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State which elects to be exempt from the prohibition. Such election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) STATE ELECTION FOR OTHER NONATTAINMENT AREAS.—

"(A) IN GENERAL.—In the case of a State that is contiguous with a foreign country and that contains an ozone nonattainment area (other than an ozone nonattainment area to which paragraph (1) applies), such State may elect for the prohibition described in such paragraph to apply in the State, or may elect to establish in accordance with subparagraph (B) an alternative approach to facilitate the compliance, by motor vehicles registered in foreign countries and entering

such nonattainment area, with the motor vehicle inspection and maintenance requirements in effect under the applicable implementation plan in the nonattainment area and applicable to motor vehicles of the same type and model year.

“(B) ALTERNATIVE APPROACH.—An alternative approach by a State under subparagraph (A) is established in accordance with this subparagraph if the Governor of the State submits to the President a written description of such approach and the President approves the approach as facilitating compliance for purposes of such subparagraph.

“(C) EFFECTIVE DATE REGARDING STATE ELECTION.—If a State makes an election under subparagraph (A) for an alternative approach, the alternative approach takes effect in the State one year after the date on which the President approves the approach. If the State makes the other election under such subparagraph, the prohibition described in paragraph (1) takes effect in the State 180 days after the President's receipt of written notice from the Governor of the State notifying the President of such election.

“(5) ALTERNATIVE APPROACH REGARDING SERIOUS, SEVERE, AND EXTREME AREAS.—In the case of a State containing an ozone nonattainment area to which paragraph (1) applies, paragraph (4) applies to the State to the same extent and in the same manner as such paragraph applies to States described in such paragraph, subject to paragraph (3).

“(6) DEFINITION.—For purposes of this section, a serious, severe, or extreme ozone nonattainment area is a Serious Area, a Severe Area, or an Extreme Area as classified under section 181, respectively, other than any such area first classified under such section after the date of the enactment of the Border Smog Reduction Act of 1998.”.

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of the enactment of this Act. Nothing in such amendment shall be construed to require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As promptly as practicable following the enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2 and its effective date.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by this Act, as described in subsection (b).

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare the potential impact of the amendment made by this Act on air quality in ozone nonattainment areas affected by such amendment with the impact on air quality in the same areas caused by the increase in vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from California (Mr. BILBRAY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

GENERAL LEAVE

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 8, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I rise in strong support of the Border Smog Reduction Act of 1998.

Mr. Speaker, H.R. 8 is a bipartisan, common sense bill which will improve and protect both the environment and the public health by requiring the Federal Government to participate in the enforcement of existing air pollution control laws at our borders, laws which have been de facto mandated from the Federal level. At the heart of this bill is a basic issue of fairness, in addition to a clear opportunity to improve the public health and protect the air quality.

The chairman of the Subcommittee on Oversight and Investigations, the gentleman from Texas (Mr. BARTON) was an original cosponsor of the bill and brought back much information from Texas. I would like to point out the help I received from the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Virginia (Mr. BLILEY), both of whom provided encouragement and extensive work during this process. Their support has been second to none. I also appreciate the hard work of their staffs that they devoted to H.R. 8.

I would also like to thank my colleague, the gentleman from Texas (Mr. REYES), a new addition to this Congress, whose firsthand experience along the border has been extremely beneficial and has complemented the extensive input that I have received from the Customs and the INS agents in the San Diego region. I am also grateful for the support of my colleagues from the California delegation who have helped me out immensely in this process, and also my colleagues on the Committee on Commerce.

I would specifically like to thank my subcommittee colleagues who took the time away from their own districts and families to attend an informative field hearing on this issue which was held in San Diego on November 18, 1997: the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentleman from Iowa (Mr. GANSKE), and the gentleman from Texas (Mr. GREEN).

I would also like to emphasize the ongoing dialogue that I have had with the Administration on this bill, specifically the Office of U.S. Trade Relations, and the Environmental Protection Agency. My dialogue with EPA Administrator Carol Browner and Assistant Administrator Richard Wilson dates back to the 104th Congress when I first introduced this legislation.

In meetings last fall, I received some very insightful and appropriate perspective from our Trade Representative, Ms. Barshefsky. In the time since, there has been what I would term a very productive and fruitful exchange with the Administration, which has helped to refine and polish H.R. 8 into the bipartisan legislation which was unanimously approved by voice vote on June 24 by the full Committee on Commerce.

I particularly appreciate assistant administrator Mr. Wilson's help on this item, who met with me and staff on May 20 of this year. At that meeting, we reviewed a modified draft of H.R. 8, which I had prepared and provided to him in advance, and which he and his staff agreed addressed a number of questions which EPA had previously expressed about the bill. In this meeting, Mr. Wilson stated to me that “if the bill as now written were to come before the President, we (EPA) would not recommend a veto.” Mr. Wilson further stated that at that time the EPA would favor an “opt-in” approach for other States, which was in fact adopted during the committee consideration of H.R. 8.

I recognize and share the EPA's concerns about the “opening-up” of the Clean Air Act, and I would like to again state clearly my resolve, which has also been clearly stated by the gentleman from Virginia (Mr. BLILEY), that it is my intention, and also the intention of all of us who support it, to keep this bill as it currently is: a narrow, bipartisan rifle-shot to improve the Clean Air Act.

The Border Smog Reduction Act is a simple but practical bill, which will increase the overall effectiveness of our air pollution control strategies by providing the Federal Government with the authority, which it currently lacks, to help States enforce existing law. H.R. 8 will ultimately allow Customs officers to deny entry into the United States to foreign registered commuter vehicles which have not been brought into compliance with our emissions control requirements.

As the Customs officers have explained to me, this authority will be consistent with existing Customs pollution control requirements as they now pertain to vehicles which are being imported for sale. H.R. 8 provides ample opportunity for the operators of these commuter vehicles to have them brought into compliance prior to the law taking effect.

I would emphasize here that H.R. 8 is directed only at foreign-plated commuter vehicles driven into the United States each day by foreign nationals or U.S. citizens for the purpose of employment or education. It will be the responsibility of the drivers of the vehicles to demonstrate compliance with applicable State laws, or risk fines and denial of access via that vehicle into the United States.

H.R. 8 does not specifically require the impoundment of vehicles; Customs officers already have that authority to do so under existing civil penalty procedures and can employ this at their discretion. Customs agents have told me that once this bill has been implemented, and border commuters are made aware of and understand the new requirements, it is unlikely that commuters with vehicles which are not in compliance will repeatedly attempt to drive those vehicles across the border. Those that do would eventually be denied access to the U.S., be subject to fines from Customs, and potentially to the impoundment of the vehicles in question, again at the discretion of the Customs agents, but only after repeated attempts to violate the law.

H.R. 8 will initially take effect in California only. However, it is not exclusively U.S.-Mexico border legislation. I specifically made certain that H.R. 8 extends enforcement authority to *all* border States that may at some point wish to take advantage of it, and allows them to have the flexibility to use it as they see fit, depending on the unique situations that exist and vary from State to State. Other border States which in the future may choose to take advantage of the authority provided them by this bill could adopt either the California program, or develop their own alternative in partnership with the Federal Government. However, the bill imposes no mandates or requirements on eligible border States.

Let me at this point again specifically thank the men and women of the Immigration and Naturalization Service and the Customs Department who actually man the ports of entry at San Ysidro and Otay Mesa, and whose expertise and perspective was essential in helping me to refine H.R. 8 since I first introduced the bill in the 104th Congress.

Mr. Speaker, I have here letters from the National Treasury Employees Union Chapter 105, and the American Federation of Government Employees Local 2805 in support of H.R. 8, and I would ask to include them in the RECORD at the appropriate time. I also have several other documents, including resolutions of support from the Air Pollution Control Districts of San Diego County, Riverside County, and San Bernardino County which I will include also in the RECORD:

NATIONAL TREASURY EMPLOYEES
UNION, CHAPTER 105,
San Ysidro, CA, May 14, 1998.

Hon. BRIAN BILBRAY,
Forty-ninth Congressional District, Washington, DC.

DEAR CONGRESSMAN BILBRAY: On April 17, I met with you and your staff in San Diego regarding H.R. 8, the Border Smog Reduction Act. This meeting was to clarify questions about H.R. 8. It was also to determine if the everyday line inspectors thought the bill was workable and could be effectively implemented, without having a negative impact on the primary mission of Customs, drug interdiction, or creating longer traffic waits at the border.

In our meeting you clarified that this bill would only target, and be applicable to, foreign

plated commuter vehicles being driven across the border by U.S. citizens, resident aliens, or aliens with a valid visa for purposes of employment or educational study in the United States. This bill would not impact vehicles which are properly registered in California as such vehicles already have emission certification. H.R. 8 would not affect the residents of Mexico who cross into and out of the United States on a daily basis, to do everyday business, nor would it affect tourists who come across the border to shop, visit friends or family and so forth.

We also talked about how H.R. 8 would work, and what the requirements of the Customs Inspector would be regarding the vehicles in question. It was further clarified that under the bill, the responsibility of the inspector would be to check if the vehicle was registered in California, therefore having smog certification. This could be done via computer or physically seeing proof of registration. If the vehicle was not registered in California the driver would have to show the inspector some documentation verifying smog certification. If it could not be proven that the vehicle in question was either registered in California or had smog certification, after the third attempt to enter the United States, the vehicle would be denied access to the United States and redirected to the country of origin.

We discussed the need for incorporation into the bill of a 60-90 day "grace" period, between the enactment of the bill into law and its actual implementation. This period would be used as an educational and awareness-raising process to inform the regular border commuters whose vehicles would be required to comply with H.R. 8.

Given the above understanding, implementation of H.R. 8 is a practical reality, and would simply build upon Customs' existing pollution control enforcement practices. Currently we are required to ensure that vehicles which are manufactured in Europe, Japan, Mexico, or elsewhere meet both United States and California auto emission and safety standards prior to being driven into the United States by United States citizens or foreign nationals residing in the United States.

If these vehicles are found not be in compliance, do not have the required safety features, such as safety glass, nor an Air Pollution Control device installed, they are returned to the country of origin. This is allowed to happen once. If a United States citizen, or foreign national residing in the United States, attempts to drive the vehicle in question across the border into the United States, and the vehicle cannot be shown, by physical inspection, to meet Department of Transportation safety standards nor have an air pollution device installed it is seized by Customs.

H.R. 8 would merely expand Customs existing authority to enforce air pollution standards, by requiring compliance of foreign-plated vehicles driven into the United States by United States citizens, or by foreign nationals with visas for purposes of employment or education. Based on our discussion and my own years of practical experience at the border, I believe that this bill can work and will serve to reduce air pollution from these cross border mobile sources. This bill will not result in excessive or unrealistic work load for individual Customs line inspectors. Nor will the bill interfere with our primary mission, seizure of narcotics or other contraband, or cause excessive traffic wait times. NTEU Chapter 105 still supports H.R. 8. Please let me know if I can be of additional assistance on this important matter.

Sincerely,

ROBERT CLARK,
President NTEU 105.

AFGE LOCAL 2805,

San Diego, CA, June 12, 1998.

Hon. BRIAN P. BILBRAY,

U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BILBRAY: On June 8, 1998, Local Vice President Anthony J. Cerone and I met with you at your San Diego office.

At that meeting we presented our affirmative position on H.R. 3251. That law would define "severe economic conditions" and establish a standard for formulating annual pay raises for federal employees under the Federal Employees Pay Comparability Act. This law would benefit San Diego County's 160,000 federal employees, our families, and the local economy. We are encouraged that you will support this critical piece of legislation.

You also introduced and explained H.R. 8, the Border Smog Reduction Act, to us. This Amendment to Section 183 of the Clean Air Act was authored by you. We believe this legislation would effectively eliminate a portion of the vehicle exhaust producing pollution at our international land ports of entry. Daily our immigration inspectors are exposed to high levels of these pollutants.

In August of 1997, the National Institute for Occupational Safety and Health (NIOSH), conducted a health hazard evaluation at the San Ysidro, California, International Port of Entry. That study determined that immigration inspectors are exposed to carbon monoxide levels that are "... above NIOSH criteria". We believe this U.S. government agency study conclusively supports your position in creating and introducing legislation, H.R. 8, that would protect our employees, our citizens, and our environment.

In behalf of the 3,000 employees of this local and those of the western region, I fully support this valuable piece of legislation and am committed to assisting you in its passage. If there is any further assistance I can render in your pursuit of this bill, please do not hesitate to contact me.

Sincerely,

R. MICHAEL MAGEE,
National Vice President, Western Region.
NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH (NIOSH)
INS INSPECTIONS AT THE SAN YSIDRO POE

In August of 1997, NIOSH representatives conducted a health hazard evaluation at the San Ysidro Port of Entry (POE). We looked into employee and management concerns about exposure to vehicle exhaust and noise. This sheet summarizes our evaluation and findings.

WHAT NIOSH DID

We focused on worker exposures in the primary and pre-primary inspection areas of lanes 1-24.

We tested the air for vehicle exhaust emissions. The specific chemicals we tested for were carbon monoxide, carbon dioxide, lead, and hydrocarbons (benzene, ethyl benzene, total xylenes, toluene, hexane, pentane, octane, and heptane).

We measured noise levels inspectors encounter during the day. We measured noise levels in each inspection booth.

We looked at the ventilation systems providing air to the 24 inspection booths.

We looked at the ventilation systems removing air from the 24 inspection lanes.

WHAT NIOSH FOUND

(The full report lists the actual chemical levels NIOSH found and explains how those chemicals may affect the health of the exposed employees.)

Inspectors were exposed to one-minute peaks of carbon monoxide that are above NIOSH criteria.

Job rotation reduced carbon monoxide exposures to acceptable levels for the whole work day.

The levels of carbon monoxide were higher in the pre-primary inspection area than they were in the primary inspection area.

Lead, carbon dioxide, noise, and hydrocarbon levels were below all exposure criteria.

The supply air to booths 1-24 is not balanced. Some booths get too much air, others don't get enough.

The exhaust air vents in lanes 1-24 is not strong enough to remove vehicle exhaust emissions.

WHAT TO DO FOR MORE INFORMATION

We encourage you to read the full report. If you would like a copy, either ask your health and safety representative to make you a copy or call 1-800-35-NIOSH and ask for HETA report # 97-0291-2681.

WHAT INS MANAGERS CAN DO

Local exhaust ventilation and booths should be built in the pre-primary inspection area.

INS inspectors should be limited to one 15-minute shift per day in the pre-primary inspection area until appropriate exhaust ventilation and booths can be built.

Any INS inspector who works for 15-minutes in the pre-primary inspection area should not work around automobile exhaust for any other part of the work shift.

The exhaust ventilation in lanes 1-24 should be increased to capture more vehicle exhausts.

The supply ventilation to the booths should be balanced so that air flow is equal in each booth. This should help reduce noise levels in some booths.

The set point on the canopy dilution fans should be lowered from 35 ppm to 25 ppm of carbon monoxide.

A hearing conservation program should be started for officers who qualify their weapons on a firing range.

An ongoing program of evaluating personal carbon monoxide exposures should be started.

WHAT INS EMPLOYEES CAN DO

Don't work for more than 15-minutes in the pre-primary inspection area, until local exhaust ventilation and booths can be built.

If you work in the pre-primary inspection area for 15-minutes, don't work in any other area of vehicle exhaust exposure for your entire work shift.

Spend as much time as possible in the booths when conducting inspections.

Pregnant workers, and workers with heart disease or respiratory disease are more susceptible to carbon monoxide. Consult your doctor about your personal situation.

Inspectors should avoid changing ceiling dampers in the booths.

Contact: Darren Pudgil/531-5511, Date: October 23, 1996

SUPERVISORS ENDORSE BILL REQUIRING VEHICLES CROSSING U.S. BORDER TO BE SMOG-CERTIFIED

San Diego—The county Board of Supervisors today took aim at regional air pollution, and voted to support federal legislation requiring U.S. Customs agents to deny entry to vehicles that do not meet California emission standards.

The bill (H.R. 8), introduced by Congressman BRIAN BILBRAY, would apply to those who possess a valid green card and commute to work regularly in San Diego. It would not apply to those who periodically cross the border for tourism- and commerce-related purposes.

"Our border with Mexico is a vibrant region, and our neighbors in Mexico are part of San Diego's economic vitality," said Congressman BRIAN BILBRAY, who testified before the Board. "However, that does not

mean that environmental laws and standards should only be honored by San Diego commuters and ignored by commuters from Mexico. This legislation will allow Customs officials to enforce our clean air laws, so that we all breathe cleaner, healthier air."

"Air quality in San Diego County continues to be a high priority for this Board, and this bill will serve to improve air quality in the San Diego-Tijuana air basin," said Supervisor Greg Cox, who represents southern San Diego County, including the San Ysidro and Otay Mesa ports of entry.

In San Diego, the legislation would require Customs officials to inspect cars headed northbound for the proper emissions inspection sticker. If cars entering the United States have not been "smogged" to California air quality standards, drivers will be given written notice, and it will be recorded by Customs officials.

After the initial warning and notice, drivers without a properly smogged vehicle, who try to cross the border will be denied on the second attempt. Customs officials will be able to impound the vehicle and/or fine the driver on the third attempt to enter the U.S. with proper smog certification.

The bill is expected to be deliberated by Congress next spring.

MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT,
Victorville, CA, April 28, 1997.

Hon. BRIAN BILBRAY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BILBRAY: Enclosed please find a Resolution of the Mojave Desert Air Quality Management District supporting a change in the law to require certain motor vehicles entering the United States on a regular basis to comply with California or other applicable state motor vehicles emission laws. The proposal has been introduced in H.R. 8 (Bilbray, Barton, Bono, Calvert, Condit, Cunningham, Filner, and Hunter).

The legislation is trying to address the problem created by the residents who live in the communities near the United States-Mexico border, register their vehicles in Mexico, and escape compliance with state motor vehicles emission laws. Many such residents cross the border on a daily basis for work, school, or travel extensively in the United States and who contribute substantially to the region's air pollution problems.

The legislation provides for education and then progressive enforcement. Enforcement would include giving of notice, imposing fines, and eventually impounding the non-compliant vehicles.

On behalf of the citizens of the Mojave Desert Air District, I am urging you to support H.R. 8 because it would help California comply with the requirements of the Federal Clean Air Act. If you have any questions, please feel free to call me or Fazle Rab Quadri, District Counsel, at 760/245-1661 extension 5034.

Sincerely,

LARRY BOWDEN,
Chair Mojave Desert AQMD.

Enclosure

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT IN SUPPORT OF H.R. 8-BORDER SMOG REDUCTION ACT OF 1977.

On March 24, 1997, on motion by Member LOUX, seconded by Member WILSON, and carried, the following resolution is adopted:

WHEREAS, the Federal Clean Air Act (FCAA; 42 U.S.C. §§7401 et seq.) requires the designation of air quality control regions in regards to the National Ambient Air Quality Standards (NAAQS) (FCAA §107(d); 42 U.S.C. §7407(d)); and classification in regards to ozone and its precursors (FCAA §181(a); 42

U.S.C. §7511(a)) as promulgated by U.S. EPA; and

WHEREAS, many persons, either residing in the United States or in the border communities in Mexico register their motor vehicles in Mexico; and

WHEREAS, the San Diego Air Pollution Control District has found that roughly 70,000 commuter vehicles registered in Mexico cross the border into the United States on a daily basis and produce thirteen percent (13%) of the region's total; air pollution; and

WHEREAS, many of these persons work, attend educational institutions or travel extensively within Southern California; and

WHEREAS, many of the motor vehicles utilized by these persons to commute and travel within Southern California do not comply with California standards for motor vehicle tailpipe emissions; and

WHEREAS, these unregulated, noncompliance motor vehicles are detrimental to the efforts of the local air districts to comply with the mandates of the FCAA; and

WHEREAS, motor vehicles emit Volatile Organic Compounds (VOC) and Oxides of Nitrogen (Nox) which are precursors to ozone formation; and

WHEREAS, nine percent (9%) of the VOC and nine percent (9%) of the Nox generated in the South Coast Air Quality Management District is attributable to non-commercial motor vehicles registered both in the United States and Mexico; and

WHEREAS, ten percent (10%) of the VOC and four percent of the Nox in the Mojave Desert Air Quality Management District (MDAQMD) is attributable to non-commercial motor vehicles registered in the United States and Mexico; and

WHEREAS, these detrimental effects are compounded within the MDAQMD due to the overwhelming impact of transported air pollution from upwind area; and

WHEREAS, area in the MDAQMD is designated non-attainment for NAAQS and classified Severe-17 for ozone thereby requires extensive efforts to reduce air pollution; and

WHEREAS, U.S. Representatives Brian Bilbray (R-49-CA), Joe Barton (R-6-TX), Sonny Bono (R-44-CA), Ken Calvert (R-43-CA), Gary Condit (R-18-CA), Randy (Duke) Cunningham (R-51-CA), Bob Filner (D-50-CA), and Duncan L. Hunter (R-52-CA) have introduced a bill H.R. 8, which would amend the FCAA to allow the denial of entry into the United States by certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions; and

WHEREAS, the enactment of H.R. 8 would benefit all non-attainment areas in border regions of the United States as well as those areas directly impacted by transported air pollution from such non-attainment areas.

NOW THEREFORE BE IT RESOLVED that the Governing Board of the Mojave Desert Air Quality Management District respectfully urges the California delegation to support and the United States Congress to enact H.R. 8 or other legislation which lessens the impact upon non-attainment areas of foreign motor vehicles which do not comply with State laws governing motor vehicle emissions.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District.

I, Linda Beck, Clerk of the Governing Board of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of March 24, 1997.

CLERK OF THE GOVERNING BOARD,
Mojave Desert Air Quality Management
District.

RIVERSIDE COUNTY
BOARD OF SUPERVISORS,
Riverside, CA, June 16, 1997.

Hon. MICHAEL BILIRAKIS,
Chairman, House Commerce Subcommittee on
Health and Environment, Rayburn House
Office Building, Washington, DC.

DEAR CHAIRMAN BILIRAKIS: The Riverside County Board of Supervisors supports legislation introduced by Congressman Bilbray which would amend the Clean Air Act to deny the entry of certain foreign motor vehicles which do not comply with State laws governing motor vehicle emissions.

Congressman Bilbray's H.R. 8 would assist the County's in its efforts to reduce air pollution from motor vehicles and ensure greater public health and environmental protection resulting from cleaner air. Many vehicles crossing the border from Mexico do not meet State and local Federal air quality requirements control standards. The support of the Federal government would be beneficial to local agencies such as the County in its attempt to enforce State laws regarding vehicle emissions and emission controls, inspections, and State vehicle registration laws. Additionally, this legislation would improve the region's air quality, moving the County a step closer in meeting the requirements of the Clean Air Act.

Please take action as soon as possible on Congressman Bilbray's measure or similar legislation which would prohibit the entry of foreign motor vehicles which fail to comply with State laws on motor vehicle emissions.

Sincerely yours,

ROGER F. HONBERGER,
Washington Representative.
RESOLUTION 97-130

SUPPORTING THE BORDER SMOG REDUCTION ACT
OF 1997

Whereas, the Environmental Protection Agency requires States to adopt vehicle emissions standards to attain healthful air quality; and

Whereas, States have implemented these standards through the smog certification process coupled with vehicle registration; and

Whereas, foreign residents who commute to work or to school in the U.S. are required to register their vehicles in their State of employment in order to comply with applicable clean air laws; and

Whereas, due to lack of enforcement, many of these commuters drive cars which do not meet the smog standards required by the State in which they work or study; and

Whereas, a study by the San Diego Air Pollution Control District identified that commuter vehicles that cross the border on a regular basis produce 13% of the region's total vehicle air pollution; and

Whereas, the emissions produced by these vehicles is detrimental to the efforts of otherwise stringent compliance plans; and

Whereas, proposed legislation would require border commuter vehicles to meet emissions standards or be denied access into the U.S.; now therefore,

Be it resolved that the Board of Supervisors of the County of Riverside, State of California, assembled in regular session on May 27, 1997, does hereby support the Border Smog Reduction Act of 1997; and be it further

Resolved that the Clerk of the Board forward copies of Resolution 97-130 to the County's Washington Representative for distribu-

tion to appropriate members of Congress, Congressional staff and committees.

[From the San Diego Union-Tribune, Oct. 26, 1996]

IMPORTED SMOG—VEHICLES FROM MEXICO
ADD TO PROBLEM

With California cracking down on smog-belching vehicles in its Smog Check II program, government must make sure that commuters who live in Baja California but work on this side of the border also comply with state emission limits.

Currently, Mexican residents and Americans who live in Baja are supposed to register their vehicles here if they work on this side of the border. That means they are supposed to comply with California's smog standards.

But many don't, because the rules are not well enforced. Many daily commuters drive cars registered in Mexico. And some U.S. residents register their cars in Mexico to avoid smog inspections and costly repairs in California.

A study by the San Diego Air Pollution Control District showed that about 7,000 vehicles with Mexican plates, driven by commuters, cross the border each day. These cars and trucks produce 13 percent of the total vehicle air pollution in our county. That's an astounding figure. Something needs to be done about it.

The county Board of Supervisors this week endorsed legislation by Rep. Brian Bilbray, R-Imperial Beach, that would allow federal border inspectors to crack down on cars that are registered in Mexico but are driven by people who work north of the border. Bilbray, who is running for re-election, says border inspectors already have the computer technology to make such checks.

This is a good idea, one that Congress should pass next year. If U.S. residents who properly register and maintain their cars must comply with our state's rigorous smog standards, then those who come here to work from Mexico must too.

[From the San Diego Union-Tribune, Nov. 19, 1997]

BORDER TOUR BOOSTS BILL TO COMPEL
REGISTRATION OF MEXICAN CARS HERE

(By Steve La Rue)

Congressmen from Florida, Ohio, Iowa and Texas stood in clouds of auto exhaust at the San Ysidro border crossing yesterday and said they understood what Rep. Brian Bilbray, R-Imperial Beach, has been talking about.

They voiced support for Bilbray's bill to allow federal officers at the border to enforce a law that requires commuters from Mexico to register their vehicles in California.

The measure also would have the effect of requiring these vehicles to have smog checks every two years. Vehicle-related air pollution could be cut as much as 13 percent as a result, studies suggest.

"Existing law requires international commuters to have their cars registered and smogged (in California), and that law is not being enforced," Bilbray said.

"With economic opportunities should also come environmental responsibilities."

The occasion was a morning border tour for five members of the House Commerce Subcommittee of Health and the Environment, who later met at the County Administration Center to hold the bill's first formal hearing.

Bilbray's bill would allow the U.S. Customs Service to impound vehicles registered in Mexico and fine their drivers if they attempt to commute into the United States in cars that do not meet emission standards. The drivers would get two warnings before their cars were impounded.

The law would affect at least 7,000 of the roughly 45,000 vehicles that cross the border at San Ysidro each day, said Rudy Camacho, Customs Service director for Southern California. Tourists would be exempt.

Mexican-registered vehicles produce disproportionate volumes of smog, experts say, because many are not engineered to comply with California standards or are not well-maintained or have been stripped of smog control devices.

Currently, federal border officers have no power to detain drivers of Mexican-registered vehicles on environmental grounds, Camacho said.

Subcommittee Chairman Mike Bilirakis, R-Fla., said, "We don't want to do anything to prevent Mexican nationals from coming here and making their living."

But the U.S. environmental laws "are tough on our own citizens and, darn it, ought to be just as tough on those who cross the border and make a living here," he said.

Bilbray's bill is expected to clear the subcommittee next year.

[From the San Diego Business Journal Nov. 24, 1997]

BILBRAY URGES CRACKDOWN ON TRANSBORDER
POLLUTERS—BILL WOULD STOP VEHICLES AT
BORDER TO PROTECT AIR

(By Pat Broderick)

Shocked. That's how U.S. Rep. Brian Bilbray described the reactions of congressmen who accompanied him Nov. 18 on a tour to examine transborder air pollution.

"This morning, we saw gross polluters," the San Diego Republican said in an interview following the tour. "We watched smog and pollution flying out of vehicles (crossing the border)."

"It was eye-opening for the members of Congress who came. Anyone with a pair of eyes or a nose will understand that this pollution needs to be addressed."

He was accompanied by Congressmen Mike Bilirakis, R-Fla., chairman of the House Commerce Subcommittee on Health and the Environment; Greg Ganske, R-Iowa; Sherrod Brown, D-Ohio; and Gene Green, D-Texas. They were briefed by U.S. Customs Service officials during the tour.

Bilbray said he is trying to shore up support for HR-8, the Border Smog Reduction Act he's cosponsoring, along with Congressmen Joe Barton, R-Texas; Sonny Bono, R-Calif.; Ken Calvert, R-Calif.; Gary Condit, R-Calif.; Randy Cunningham, R-Cal.; Bob Filner, D-Calif.; and Duncan L. Hunter, R-Calif.

Introduced Jan. 7 in the House of Representatives, HR-8 would amend the Clean Air Act to deny entry into the United States to any foreign vehicle that doesn't comply with state laws governing motor vehicle emissions.

Currently, Bilbray said, there is nothing customs officials can do to stem the rising tide of polluting vehicles.

"Technically, people who are coming to work with unregistered cars are in violation of existing statutes," Bilbray said. "But customs agents who have witnessed this are not authorized to turn cars back. They have no authority to address any of those environmental issues."

Consequently, he said, the lack of enforcement has led to a critical pollution problem. According to a fact sheet on HR-8:

A study by the San Diego Air Pollution Control District found that, in San Diego County, some 7,000 commuter vehicles registered in Mexico cross the border on a daily basis. The commuter population alone produces 13 percent of the region's total vehicle air pollution.

Mexican residents, including some Americans who live in Mexico but commute to

work or to school in the United States, are required to register their vehicles in their state of employment to comply with clean air laws.

Due to lack of enforcement, many of these commuters drive cars that don't meet the smog standards required by the state in which they work or study.

A majority of these cars are registered in Mexico, some by U.S. residents who do so to avoid expensive vehicle emission control inspections and repairs required by the state, according to the fact sheet.

"I have neighbors who had done this," Bilbray said.

HR-8, he said, would give commuters three chances to come into compliance with the law.

Noncomplying Mexico-registered vehicles would be noted in the computer at the U.S. border point of entry and the driver would be warned.

Drivers who attempt to enter the United States more than twice in a single 12-month period would be found in violation of the law, and be subject to a fine of \$200.

If the fine isn't paid at the time entry is attempted, customs would be authorized to impound the car until the fine is paid.

But Peter M. Rooney, secretary for the California Environmental Protection Agency, said that impounding cars isn't the answer.

Rooney recalled the march last year of 15,000 irate Californians to the state Capitol building when they heard rumors their cars could be impounded for smog check violations.

"It was an all-day rally, a cross-section of California," he said, "solid citizens who felt deeply that confiscating people's cars is not the proper way for government to respond to social issues."

Pointing to the fact that California has the nation's strictest pollution standards for autos, he said, "We don't exclude others from coming in."

As for possible solutions, Rooney said he expected that new cars being sold in Mexico are of higher quality than older ones, potentially easing the cross-border problem. The cleaner California fuel, he added, also could have an impact.

"If American petroleum companies start selling fuel in Tijuana and Mexicali, we have the opportunity to have fuels that are formulated for California to be sold there and get the benefit."

Overall, Rooney said, there only is so much a state can do to ensure air quality.

"I don't think the state of California is in a position to step into an area that has a cross-border jurisdiction," he said. "We do have the duty to our citizens to make the air as clean as possible. But there are certain limits to what we can do."

"We hope the citizens of San Diego will maintain their vehicles at a level that is in the best interest of everyone, and that the fuel in this state is cleaner fuel. But on the other side of the border, it's out of our control."

Meanwhile, Bilbray said he hoped that the shocked response of his fellow congressmen during the tour will lead to bipartisan support of the bill, and perhaps, action by March.

"Without this bill, you've got a huge gaping hole in air pollution strategies," Bilbray said.

[From the San Diego Daily Transcript, Nov. 19, 1997]

BILBRAY PUSHES FOR LAW ON BORDER
EMISSION STANDARDS
(By Chris Diedoardo)

SAN YSIDRO.—Although thousands of illegal immigrants and hundreds of pounds of il-

licit narcotics cross the border with Mexico every year, Rep. Brian Bilbray, R-San Diego, has declared war on a new enemy: smog.

"Gentlemen, this is what we call no-man's land," Bilbray said to a group of congressmen visiting the clogged vehicle intake lines at the San Ysidro border crossing on Tuesday. "While we generally don't think of the U.S. Customs Service as an environmental agency, they really need to be."

The delegation was in town to drum up support for H.R. 8, which is intended to bar Mexican vehicles from the U.S. that don't meet California's emissions standards.

"Current air pollution laws say if you work in San Diego, your car is supposed to be smogged in San Diego County," Bilbray said.

Unfortunately, since the U.S. Customs Service currently lacks authorization to inspect incoming vehicles to determine if they are in compliance, Bilbray said thousands of commuters from Mexico are evading the regulatory net.

"With the rights of economic opportunity come environmental responsibilities," Bilbray said. "And you have a lot of U.S. residents that register their cars in Baja California to avoid California's regulations."

"There's a real fairness issue here when California and the Environmental Protection Administration are talking about stricter smog regulations and yet you've got people who aren't playing by the rules now."

Under the provisions of the bill, drivers who couldn't produce proof the vehicle was in compliance with state law the first two times they crossed the border would be given verbal warnings. On the third attempt, they would be denied entry and either fined or face the impound of their vehicle.

Although tourists and those visiting relatives would be exempt from the proposed requirements, some observers wonder if it will be viewed as another de facto barrier between the two nations.

Bilbray dismissed such suspicions as groundless.

"Anybody can take anything as an 'anti-measure,' he said. "It's a pro-environmental measure."

"No matter what country you come from the laws ought to be enforced and the environment protected."

According to a recent study by the San Diego Air Pollution Control District, 7,000 commuter vehicles cross at San Ysidro and Otay Mesa every day. In the district's view, that traffic accounts for 13 percent of the region's air pollution.

But others question whether Bilbray is trying to cage the wind.

"There's a reason behind registering the car in Tijuana and not in the U.S. and it's an economic reason," said Lourdes Sandoval, a spokeswoman for the Mexican Consulate in San Diego, who added that those factors would probably preclude most commuters from bringing their vehicles up to code.

"It will be very difficult to enforce," Sandoval said. "And the amount of people that would be covered under this bill is so small that I don't think it would affect the pollution in San Diego."

Another concern is the additional burden the bill would place on customs officers, who already must deal with between 40,000 and 45,000 cars per day.

"It would take a little extra time," said Bobbie Cassidy, a spokeswoman for the customs service, as she pointed to the seemingly endless lines of vehicles waiting to enter the U.S. Tuesday morning. "But you can see what a little extra time with each car would create."

Rudy Camacho, director of the San Diego field office, said he agreed but that the problem would be mitigated with the passage of time.

"It will be interesting," Camacho said. "Initially, it will be a time-intensive operation which would drop off as people learned the requirements."

However, Bilbray wants to give Camacho and his officers some high-tech help, courtesy of Tucson-based Remote Sensing Technologies.

The Tucson-based firm manufactures remote emissions sensors, which can determine how much carbon monoxide a vehicle is releasing into the atmosphere.

Under Bilbray's plan, one or more of the devices would be installed in the secondary inspection area, where they would function as a secondary line of defense.

"You cannot fool the system," said Nirranjan Vescio, RST's director of marketing. "There are many pieces of information it looks for before it makes a judgment."

However, as the sensors were being demonstrated several customs officers were busy in the secondary inspection area in pursuit of a different type of information.

Though the timing was ironic, it offered Camacho a golden opportunity to state what his agency's main priority was.

"I don't want my boys looking for emissions when they should be looking for dope," he said, after several agents seized 177 pounds of marijuana hidden inside a car's tires and behind the dashboard.

[From the San Diego Union-Tribune, June 25, 1998]

PANEL OKS BILL TO CURB BORDER'S SMOG-BELCHERS
(By Dana Wilkie)

WASHINGTON.—It soon could be easier to crack down on smog-belching cars that come from Mexico into San Diego County under a bill that passed a key House committee yesterday.

The legislation by Rep. Brian Bilbray, R-Imperial Beach, would let border agents fine drivers and eventually impound cars if the vehicles were not registered in California with proper smog-check certification.

As "someone who's lived with all these (pollution) problems my whole life, I'm excited" about passage of the legislation, Bilbray told the House Commerce Committee, which approved his bill on a unanimous voice vote.

"For those of us along the frontier, we felt for so long that nobody gave a damn, that it was sort of like this part of America was sold out," he said.

The legislation, which applies only to California, requires approval of the full House, and then would move to the Senate. Final action is unlikely until late summer or early fall.

Mexican-registered vehicles produced disproportionate volumes of smog, experts say, because many are not engineered to comply with California standards, are not well-maintained or have been stripped of smog-control devices.

Bilbray's legislation would affect at least 7,000 of the estimated 45,000 vehicles that cross the San Diego-Tijuana border each day. Drivers would get two warnings before their cars were impounded.

Bilbray, a member of the committee, said fines and impoundments of smog-belching cars could cut vehicle-related air pollution as much as 13 percent.

California law already requires international commuters to have their cars registered in California and checked every two years to make sure that emissions do not exceed California limits.

Federal border agents, however, have no power to detain drivers of Mexican-registered vehicles on environmental grounds. Bilbray's legislation, HR-8, would give them that authority.

The congressman said it is simple for agents to ensure that border commuters have had smog checks simply by entering license plate numbers into a computer database.

Some lawmakers said they were concerned that the bill does not address commercial vehicles, only passenger cars. A Bilbray aide explained that including commercial vehicles would open "a Pandora's box of problems" which could hinder cross-border commerce under the North American Free Trade Agreement.

Rep. Ron Klink, D-Pa., expressed worry that Bilbray's legislation might distract border agents from the more pressing duties of intercepting illegal drug traffic and illegal immigrants.

"I have concerns about the smog coming from the tailpipes of these vehicles, but in the whole scheme of things it seems . . . less of a priority," Klink said.

Bilbray assured him that U.S. Customs Service agents do not believe that the legislation would create "unacceptable or unrealistic workloads . . . nor interfere with" the interception of illegal drugs and illegal immigrants.

[From Environment & Energy Mid-Week,
June 25, 1998]

BORDER SMOG BILL WINS BIPARTISAN BACKING IN HOUSE COMMERCE MARKUP

[By Neil Franz]

Rep. Brian Bilbray (R-Calif.) succeeded on Wednesday in gaining the support of key Democrats for an amended version of the Border Smog Reduction Act, and the House Commerce Committee was at press time preparing for what seemed a noncontroversial final vote. Addressing concerns of "opening up" the Clean Air Act, which H.R. 8 amends, Chairman Tom Bliley (R-Va.) pledged to do everything in his power to keep the bill narrow and suggested the House leadership proceed on the floor under suspension of the rules.

Written by Bilbray, who represents the San Diego area, H.R. 8 changes the CAA to deny entry into the United States any foreign vehicles that do not comply with state laws governing motor vehicles emissions. Some Mexicans, as well as Americans, who live in Mexico but commute to the United States are apparently ignoring the federal law's directive to have their vehicles registered in their working state—controlling the tailpipe emissions being the focus—because federal agents are not permitted to enforce the mandate, Bilbray said. State officials do not have authority at the border on the issue, while Mexico is notoriously loose in comparison on environmental standards.

The bill "makes a great deal of sense," said Rep. Henry Waxman (D-Calif.).

Resulting from a number of concerns expressed at a June 19 subcommittee markup, Bilbray added a major qualification: the legislation only applies to the California border and states may choose to "opt in" on the mandates of H.R. 8, not "opt out." States may also choose to develop their own plan to address the problem, subject to approval of the president. The U.S. Environmental Protection Agency and many Democrats had noted serious reservations about the broader implications of the original H.R. 8; Michigan Rep. Bart Stupak (D) sought to exempt all states bordering Canada, where air pollution is less of a concern.

[From Regulation, Law & Economics, June 25, 1998]

HOUSE PANEL OKS BILL TO BAR U.S. ENTRY OF CARS INTO OZONE NONATTAINMENT AREAS (By Cheryl Hogue)

Federal border crossing officials could prevent cars from regularly crossing from Canada or Mexico into U.S. areas that violate federal ozone standards, under legislation approved June 24 by the House Commerce Committee.

Under its carefully worded provisions, only California would automatically be covered by the bill (H.R. 8). But other states ask to be covered, according to the bill, which was approved by voice vote.

The prohibition would apply only to cars crossing into U.S. regions contiguous with ozone nonattainment areas in states requiring inspection of tailpipe emissions, according to the measure. It would apply only to noncommercial vehicles that go over the border more than twice during any 12-month period.

As introduced, the bill applied to both Canada and Mexico. But the Commerce Subcommittee on Health and Environment amended the bill to apply to "a foreign country bordering the United States . . . other than Canada."

But the bill's sponsor, Rep. Brian Bilbray (R-Calif.), offered an amendment, adopted by the full committee in a voice vote, that would make no exception for cars coming from Canada. But the amendment also narrowed the legislation to apply automatically only to states with an I/M program and to nonattainment areas classified as serious, severe, or extreme. A Bilbray staffer said only California now meets all these criteria.

ELECTION OF COVERAGE

Bilbray said H.R. 8 is aimed at commuters who live in Mexico and work in California. However, he said, the bill allows other border states with I/M programs voluntarily to elect to have the prohibition apply to their ozone nonattainment areas not classified as serious, severe, or extreme but that are contiguous to the border.

Under Bilbray's amendment, a state electing this coverage could also come up with "an alternative approach" to its I/M program "to facilitate compliance by motor vehicles registered in foreign countries." This alternative approach would have to be approved by the federal government before border agents would begin turning cars away, according to the amendment.

Bilbray said these alternative plans could apply to emissions from commercial vehicles—as well as noncommercial ones—registered in a foreign country.

IMPLEMENTATION.

Bilbray said unions representing border patrol employees have told him in writing that the bill could be implemented in California without increasing agents' workloads, distracting them from seizing illegal drugs, or causing excessive lines at border crossings.

For each vehicle crossing the border now, license plate numbers and the jurisdiction issuing the plate are entered into a computer, Bilbray said. Border patrol computers are already linked to the California data base for emission inspections, he said, so that checking whether a foreign-registered car had passed a California emission inspection would be automated.

Under current federal law, U.S.-border agents can stop entry into California of cars that have not passed state emission inspections only if the vehicles will be sold in the state, Bilbray said.

CLEAN AIR ACT AMENDMENT

H.R. 8 would add a new provision to Section 183 of the Clean Air Act.

California Rep. Henry Waxman, the senior Democrat on the Commerce Committee, said he did not want the bill to be "a vehicle for other Clean Air Act amendments."

Rep. Thomas Bliley (R-Va.), chairman of the Commerce Committee, said he would do everything he could "to see that this bill is not expanded in any way."

Bilbray said he, as author of the legislation, wants the bill to remain as narrow and focused as possible.

NAFTA EFFECT ON AIR QUALITY

The committee also adopted by voice vote an amendment to H.R. 8 that would require the General Accounting Office to study the effects of the North American Free Trade Agreement on air quality around the border. Rep. Sherrod Brown (D-Ohio) offered the amendment.

Brown said his amendment was not designed to prejudge NAFTA's environmental effects. However, the trade deal has significantly increased traffic, especially commercial vehicles, crossing the U.S.-Mexico border, he said.

[From Environment & Energy Weekly, July 6, 1998]

BILBRAY, BILEY PREP SMOG BILL FOR QUICK FLOOR VOTE (By Neil Franz)

A fast-moving House bill would amend the Clean Air Act, a legislative move feared by most environmental groups. But after winning bipartisan backing on June 24 for the Border Smog Reduction Act and easily clearing the measure from the full House Commerce Committee, Chairman Tom Bliley (R-Va.) pledged to do everything in his power to keep H.R. 8 clean and narrow. He, along with Health and Environment Subcommittee Chairman Michael Bilirakis (R-Fla.) and the bill's author, Rep. Brian Bilbray (R-Calif.), also suggested the House leadership proceed under suspension of the rules for a quick floor vote.

What happens if H.R. 8 reaches the Senate floor, though, is beyond Bliley's reach, he said. Democrats on the panel continually expressed their concerns about seeing the bill transform into a vehicle for "opening up" of the CAA.

Introduced early last year by Bilbray, who represents the San Diego area, H.R. 8 changes the act to deny entry into the United States any foreign vehicles that do not comply with state laws governing motor vehicle emissions. Some Mexicans, as well as Americans, who live in Mexico but commute to the United States are apparently ignoring the federal law's directive to have their vehicles registered in their working state—controlling the tailpipe emissions being the focus—because federal agents are not permitted to enforce the mandate, Bilbray said. State officials do not have authority at the border on the issue, while Mexico is notoriously loose in comparison on environmental standards.

The bill would therefore allow federal agents to enforce the states' standards for non-commercial vehicle emissions, thus helping to reduce smog. (Bilbray said he wishes to address the noncompliance of commercial vehicle emissions crossing the border at another time.) The CAA now only allows federal agents to prevent vehicles not registered in the states from crossing the border for sale.

The bill "makes a great deal of sense," said Rep. Henry Waxman (D-Calif.).

A study by the San Diego Air Pollution Control District found that roughly 7,000 commuter vehicles registered in Mexico cross the border every day. The study further said this Mexico commuter population produces, by itself, 13 percent of the region's

total vehicle air pollution. The California Air Resources Board of the state's Environmental Protection Agency has pledged its support for the legislation, as have the Southern California unions of federal border officials, Bilbray said.

Resulting from a number of concerns expressed at a June 19 subcommittee markup, Bilbray added a main criterion to the bill: the legislation only applies to the California border and states may choose to "opt in" on the mandates of H.R. 8, not "opt out." States may also develop their own plan to address the loophole in the CAA, subject to approval of the president. The U.S. Environmental Protection Agency and many Democrats had noted serious reservations about the broader implications of the original H.R. 8; Michigan Rep. Bart Stupak (D) sought to exempt all states bordering Canada, where air pollution is less of a problem.

[From the Union-Tribune, June 27, 1998]

SMOG INTERVENTION—BILL WOULD AIM AT
NABbing MEXICAN POLLUTERS

As the largest city on the border, San Diego suffers disproportionately from the growing volume of air pollution generated by Mexican-registered vehicles that lack adequate smog controls. That's why San Diegans should cheer the House Commerce Committee's approval this week of a bill by Rep. Brian Bilbray, R-Imperial Beach, to crack down on Mexican-registered polluters.

California law requires Mexican-based autos that commute daily into the state to meet California emission standards. Most of these vehicles are owned by workers who live in Mexico but have jobs in California. They include both American and Mexican nationals.

The problem, however, is that U.S. border agents have no legal authority to stop border commuters who lack California smog-check certificates. Bilbray's legislation would close that enforcement loophole, empowering U.S. agents to impound the vehicles of border commuters who are repeat offenders of California's air pollution laws.

He estimates the crackdown on Mexican-based polluters would curb vehicular smog in San Diego by as much as 13 percent—a very significant amount, considering that autos account for the lion's share of our air pollution.

With the Commerce Committee's approval of the bill, it is expected to win passage on the House floor later this year. But it has no champion in the Senate. Without one, it will die when Congress adjourns in the fall.

Bilbray's proposal applies to border crossings in California only. Thus the only senators with a stake in it are California Democrats Dianne Feinstein and Barbara Boxer. Our hope is that they will team up to win Senate approval of the House bill so that San Diegans can breathe a bit easier.

Mr. BILBRAY. Mr. Speaker, I would also like to emphasize my appreciation for the cooperation and assistance which has been provided by the California Air Resources Board and the California EPA. The support and the perspective of these agencies have been invaluable in this process.

With the increased enforcement under H.R. 8, gross-polluting vehicles will be either repaired and brought into compliance, or simply left parked in the driveway. This will have the initial direct effect of removing the disproportionately high emissions of these vehicles from our air, and hopefully the long-term, indirect effect of increasing

binational use of San Diego's public transit system which runs directly to the border. In both situations, the health of the people of both San Diego and Tijuana benefit, particularly vulnerable populations like children and the elderly, as does the environment of the entire region.

Mr. Speaker, I urge the support of my colleagues for this common sense and fair piece of legislation named H.R. 8, the Border Smog Reduction Act of 1998.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H.R. 8, the Border Smog Reduction Act. I would like to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. BILBRAY) for working with me, with the gentleman from Michigan (Mr. DINGELL) and with the gentleman from California (Mr. WAXMAN) during the Committee on Commerce's consideration of H.R. 8 to make several important improvements in the legislation.

During consideration of this legislation by the Committee on Commerce, my colleagues agreed to an amendment which I offered to study the effects of the North American Free Trade Agreement on air quality in communities along the United States-Mexico border. The provision requires the General Accounting Office to conduct a study comparing the potential effect of this legislation on air quality in ozone non-attainment areas with air quality in these same areas caused by vehicles registered in or operating from Mexico as a result of implementation of NAFTA.

In November of last year, the Subcommittee on Health and the Environment held a field hearing in San Diego to hear from witnesses on the effect of transborder air pollution caused by commuter vehicles on the air quality of our border region. While in San Diego I had the opportunity to see firsthand the thousands of trucks, many owned by American corporations, crossing our border, most of the time without inspection. Four years after the passage of NAFTA, environmental conditions on the Mexican border have further decayed, air and water quality in particular.

It is difficult to imagine that increased commercial truck traffic, much of it brought on by NAFTA, is not adding significantly to the non-attainment problems in southern California. Many of us argued during the NAFTA debate that this agreement would bring more air and water pollution to an already troubled area. Nothing at that time was done inside the parameters of the NAFTA agreement.

I am hopeful that our proposed GAO study will shed some light on the effect this increased traffic under NAFTA is having on air quality in our border

areas. Should this study conclude that the North American Free Trade Agreement has, in fact, added to the ozone nonattainment problem in areas like San Diego, I am hopeful my colleagues will work with me to address this situation.

As passed by the House Committee on Commerce, H.R. 8 will allow States with serious ozone nonattainment areas located on our southern border to require foreign registered vehicles entering these areas to meet State or local vehicle emissions standards. The legislation would prohibit entry into the United States of vehicles which do not meet these standards more than twice in a one-year period. H.R. 8 would allow other States located along the border the option of designing an alternative approach to requiring foreign registered vehicles to comply with States' vehicle emission requirements.

Again, I would like to thank my colleagues on the Committee on Commerce for working with me to address the concerns that many of us had with this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the dean of the California delegation.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague for this very thoughtful piece of legislation. I appreciate the gentleman from Ohio (Mr. BROWN), the ranking member of the subcommittee, for his assistance as well as this bill has gone forward.

There is something wrong with this picture, Mr. Speaker and Members. First, I think most people understand that particularly in the summer months, citizens in southern California become especially concerned about our air. As the weather warms up, something seems to be ever present, and oftentimes in my own valley in San Bernardino County one can hardly see the mountains. Yet over the years we have made very significant progress as it relates to cleaning the air, particularly cleaning the impact upon the air that comes from mobile sources.

□ 1645

The American automobile newly produced today is a clean automobile, and yet shift the scene just a bit to the south. Cars and trucks standing in line in both directions on the border puffing smoke, and the air can absolutely be cut with a knife at this time of the year.

To suggest that those vehicles that are commuting across our border should not meet the same standards required by American vehicles is absolutely not acceptable. This legislation will take a significant step in the direction of solving that problem.

Currently, California law requires that foreign-plated vehicles which commute daily into the State must meet California vehicle standards. However, the law is not being enforced

by Federal agents at the border who do not have the authority necessary. This bill would provide for that authority. It would lay the foundation to see that foreign-plated vehicles which do not meet our standards do not cross our borders.

It is, as the author has suggested, a common sense bill which in a very practical way addresses this very serious difficulty. The gentleman from California (Mr. BILBRAY) should be commended for this work. It is a reflection of his past background as a member of the Air Resources Board in California. He brings that talent to the Congress and continues to work on the fight for clean air at home as well as across the country.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 8, the Border Smog Reduction Act.

As a border Congressman, I am glad to join my colleagues as an original cosponsor of this legislation to address the critical issue of unsafe emissions from vehicles that cross the international border into California.

Mr. Speaker, I am the Representative whose district contains the two major border crossings between Mexico and California. In that position, I am fully aware that our location presents our community with a wealth of unique cultural, social, economic and political opportunities. I believe this is one reason San Diego is called "America's Finest City."

However, this proximity to our Nation's border also presents us with unique challenges. One such challenge we must address is the emission of vehicles that enter our State from Mexico, but do not meet our State's strict emission standards.

It is an increasing economic reality of life at the border that commuters from both nations drive across that border to jobs in the other country and return to their home nation in the evening. Officials of the San Diego Air Pollution Control District estimate that of the approximately 45,000 vehicles that cross the San Ysidro border crossing in my district each day, about 7,000 are commuters.

It is currently against State law for any car or truck to drive on our roads and highways without the required smog certification. Despite this, however, and partly due to Mexico's more lax emission standards, countless cars stream across into California spewing unsafe pollutants into our air. Unless these vehicles are stopped for other violations, these emissions go unchecked and unstopped.

The legislation before us today is simply about the personal responsibility of the owners of these polluting vehicles. Our legislation will allow border

officials to deny entry into our community any commuter vehicle that is not in compliance with our State laws governing motor vehicle emissions.

Mr. Speaker, other border States should be aware that the bill addresses only our situation in California, and does not impose requirements on any other State.

I also want to assure motorists in the San Diego border area that this legislation affords a 6-month grace period for owners to obtain certification that their vehicles meet California State standards.

Mr. Speaker, my constituents in San Diego and Chula Vista and National City deserve clean air. By requiring greater responsibility by auto owners, I believe this legislation will help us achieve our goal of cleaner air for all our communities. I urge my colleagues to support these efforts.

Mr. BILBRAY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the soon-to-be chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY), my soon-to-be friend, for yielding me such time as I may consume. He has been a friend and will continue to be a friend in large part because while his Dear Colleague letter said that this is to deal with border pollution, frankly those of us from the area that the gentleman describes as northern California, which is Los Angeles, are actually in fact the beneficiaries of this, too.

Because clearly as we have looked at those automobiles which continue to pump out horrible pollutants, we have seen many of them on the freeways of Los Angeles. And so I simply want to rise and congratulate the vision of the gentleman from California (Mr. BILBRAY) to not only address the needs of the San Diego area, but I believe that they really transcend those.

I also am particularly privileged to be here with the gentleman from Ohio (Mr. BROWN), my very good friend. He and I for years debated the North American Free Trade Agreement. I have come to the conclusion that we today are able to look at issues like those that have been raised in the area of air quality by the gentleman from California (Mr. BILBRAY) because of the fact that the North American Free Trade Agreement has focused attention on improving air quality and other environmental concerns.

So, I simply want to say that as we look at the challenge that is ahead of us of improving our environment, there is no one who has been there on the frontline doing it more diligently than the gentleman from California (Mr. BILBRAY).

Mr. Speaker, a spectacular editorial was written by the San Diego Union-Tribune and should be included in the RECORD, so I submit that editorial for inclusion at this point in the RECORD.

[From the San Diego Union-Tribune, June 27, 1998]

SMOG INTERVENTION—BILL WOULD AIM AT NABBING MEXICAN POLLUTERS

As the largest city on the border, San Diego suffers disproportionately from the growing volume of air pollution generated by Mexican-registered vehicles that lack adequate smog controls. That's why San Diegans should cheer the House Commerce Committee's approval this week of a bill by Rep. Brian Bilbray, R-Imperial Beach, to crack down on Mexican-registered polluters.

California law requires Mexico-based autos that commute daily into the state to meet California emission standards. Most of these vehicles are owned by workers who live in Mexico but have jobs in California. They include both American and Mexican nationals.

The problem, however, is that U.S. border agents have no legal authority to stop border commuters who lack California smog-check certificates. Bilbray's legislation would close that enforcement loophole, empowering U.S. agents to impound the vehicles of border commuters who are repeat offenders of California's air pollution laws.

He estimates the crackdown on Mexican-based polluters would curb vehicular smog in San Diego by as much as 13 percent—a very significant amount, considering that autos account for the lion's share of our air pollution.

With the Commerce Committee's approval of the bill, it is expected to win passage on the House floor later this year. But it has no champion in the Senate. Without one, it will die when Congress adjourns in the fall.

Bilbray's proposal applies to border crossings in California only. Thus the only senators with a stake in it are California Democrats Dianne Feinstein and Barbara Boxer. Our hope is that they will team up to win Senate approval of the House bill so that San Diegans can breathe a bit easier.

Mr. Speaker, the editorial points out the fact that the gentleman from California (Mr. BILBRAY) has been working for a long period of time on this issue, and it ends with a very important message. After this measure passes the House of Representatives, it is going to need to go through the United States Senate. So I would implore our colleagues in the other body to move as expeditiously as possible on this very important measure.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, the gentleman from California (Mr. BILBRAY) should be commended for this piece of legislation. I have stood at that border crossing in San Ysidro, and the smog is awful there. It just does not make sense that U.S. citizens, who have to spend a lot of their money making sure of the air quality coming out of their cars, should be seeing the cars that are registered south of the border coming across that border crossing and spewing a whole bunch of smog into the environment. It is just not fair.

This legislation takes care of that and makes it so that those cars that are not attaining the air quality standards of this country cannot come into the country. This is something that is worked out on a State-by-State basis.

It is a good piece of legislation. Every one of our colleagues should support this, and I commend the gentleman from California for bringing it to the floor.

Mr. BILBRAY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), the most dynamic representative of the Surfing Caucus.

Mr. ROHRABACHER. Mr. Speaker, that was "the most dynamic," not the best surfer in the Surfing Caucus. The most dynamic member of the Surfing Caucus.

Mr. Speaker, Mexico is our neighbor and I rise in strong support of this amendment by the gentleman from California (Mr. BILBRAY) concerning our neighbor and our neighbors in Mexico.

Like all neighbors, there are issues that deal with neighborhood effect, whether it is just an American neighborhood or whether it is a neighborhood with people who actually are a part of another Nation.

Air and water pollution happens to be within that context of a neighborhood effect, and we must be neighborly, and we have tried to be neighborly with our Mexican neighbors. But we also have to watch out for the interests of our own people.

Mr. Speaker, what is unfortunate is that in recent years it seems that we have been treating our own people worse than what we treat people of another country, in this case Mexico.

I might add that this is not totally inconsistent with what our government seems to be doing in many areas of the world, which is treating our own people with more restrictions and with a harder hand than we treat people of other countries. I do not know why that is. That seems to be the way it is in many situations.

It is only good and proper that the people of Mexico who travel to the United States almost on a daily basis have the same standards, pollution standards, that they have to deal with with their automobiles as we do. Otherwise, what will be the result?

I would like to look at one result that the gentleman from California (Mr. BILBRAY) has not looked at so far. Yes, we are talking about air pollution and it is wrong that there are cars from another country coming in that do not have the same standards as our own automobiles, and, yes, we do not want to have air pollution, but we also want to maintain an amicable relationship with these people who are our neighbors.

How long will people have good will towards someone when they see automobiles coming down their streets pumping pollution? How much longer will the people of the various communities near the border or even further north into Los Angeles and Orange Counties have a spirit of good will towards the people of Mexico if they see a car coming from Mexico spilling this pollution into the air and putting con-

taminants into the lungs of our children and our families, when they themselves, of course, must go through stringent regulation and go through time and effort and expense to see that their own automobiles are not polluting and not, thus, affecting the health in a detrimental way of their neighbors who are American citizens?

No, if we let this go on, there will be a breakdown in the good will of people who are our neighbors, who are our friends, who should be our friends and it is up to us to ensure that this spirit of friendship, as well as neighborliness, is present, and to do that we must be scrupulously fair and must insist on fair and equal not only treatment and not only rights but responsibilities of people who come into our country and do so on a daily basis to work.

Finally, I would like to note that the gentleman from California (Mr. BILBRAY) has been providing leadership on issues of cross-border pollution control since early in his career. Most people in this body may not realize that he was mayor of Imperial Beach when there was pollution coming down from a stream from Mexico into the United States into his community, and when some bureaucrats got in the way of correcting that situation, the gentleman from California (Mr. BILBRAY) got onto a bulldozer and used that bulldozer to prevent that stream from sending its polluted waters into the American territory. This made him famous among the people of his area and eventually landed him here in Congress.

All of us have a chance now to join the gentleman from California in this issue of cross-border pollution and watch out for the interests of the American people, which is after all our primary job as Members of the United States Congress.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague from the Surfing Caucus for his kind words. Sadly, the pollution has closed our beaches in Imperial Beach this weekend so there are still battles to be fought there. I would just like to ask the ranking member if he has any more speakers or if he would like to make a closing statement?

Mr. Speaker, at this time I would ask for support of H.R. 8, but let me just point out, again, that, first of all, I want to apologize. I think we should all apologize to the people that live on the border region, that this body has had to spend 3½ years talking about doing something to help the environment and we have not taken action. It happens to be the nature of the creature. Congress moves slow. The Federal Government moves slow and let us just hope that the Senate will take up this bill and move it forward.

At the time that Smog Check 2 is going to be mandated, is being mandated, by the Federal Government on the people of California, it is essential that we get H.R. 8 through to show

fairness and equity and we believe that everyone should be responsible for the environment, no matter where they live or where they commute in from.

Mr. Speaker, I would ask for the passage of H.R. 8 and ask for unanimous support from Congress as we received it from the full committee, and I thank the ranking member for his help today here on this bill.

Mr. BROWN of Ohio. Mr. Speaker, I urge Members to support the bill.

Mr. PACKARD. Mr. Speaker, I rise today to commend a fellow San Diegan, Congressman BRIAN BILBRAY (R-CA), on his leadership in helping to reduce air pollution in southern California. Mr. BILBRAY's legislation, The Border Smog Reduction Act of 98, H.R. 8, is a bipartisan approach to improving border air quality and strengthening our pollution control strategies in the state of California. It is focused on foreign commuter vehicles which often emit a disproportionately high level of pollutants along the border region. Mr. Speaker, enacting this legislation could curb vehicular smog in San Diego by as much as 13 percent.

Many of the Mexican-registered vehicles, while driven by individuals who come legally into the U.S. for work or for school, lack the same smog controls required on all cars registered to the state of California. This bill would allow the Customs Inspector to require a smog certificate for any vehicle before entering into the United States and would empower border agents to prohibit any car from entering without one.

I support this bill, as it will target and reduce a known and identified source of air pollution. It will improve air quality in the environment, and will benefit children and other vulnerable populations on both sides of the border.

Mr. Speaker, I strongly support the Border Smog Reduction Act of 98 and urge the support of all other members as it will improve our overall environment and public health.

Mr. CUNNINGHAM. Mr. Speaker, I rise to support H.R. 8, the Border Smog Reduction Act of 1998. Introduced by my San Diego congressional delegation colleague, Representative BRIAN BILBRAY, H.R. 8 is a practical and bipartisan approach to improving border air quality and strengthening our air pollution control strategies. It will give the federal government the authority it needs to help enforce state vehicle emissions requirements, without imposing new mandates or burdens on local government or the business community.

In California, H.R. 8 will help to reduce high levels of smog-forming compounds from commuter vehicles driven across the border every day by people coming in to work or going to school legally in the U.S. Under existing state law, these vehicles are supposed to be in compliance with California's strict emission standards. But most presently are not, due to the current inability to enforce state law at the border. H.R. 8 will extend this enforcement ability to federal border inspectors at the points of entry, who will have the authority to ultimately turn away foreign-registered vehicles which cannot be shown to be in compliance with these emissions standards.

H.R. 8 does not restrict an individual's legal access to the U.S. It is focused on gross-polluting commuter vehicles which emit a disproportionately high level of pollutants along our border region. In San Diego County, stringent controls exist on all stationary sources,

and all cars must be smog tested to standard in order to be registered. H.R. 8 will simply help to level the playing field, and target and reduce a known pollution problem. While it would initially apply only to California, other border states are given the flexibility to implement the authority of the bill as they might see fit in the future. It is important to note that H.R. 8 places no new mandates or requirements on other states.

I am pleased to be a cosponsor of this measure, and I urge all of my Colleagues to support this common-sense legislation.

Mr. WAXMAN. Mr. Speaker, I rise to speak on H.R. 8, The Border Smog Reduction Act of 1998.

I want to commend Chairman BLILEY, Chairman BILIRAKIS, Representative BILBRAY, Representative BROWN, and Representative STUPAK for working together to perfect this bill. H.R. 8 has been significantly improved from the version originally introduced.

As currently written, this legislation will make a modest improvement over current law authorizing the federal government to assist States in efforts to control air pollution from vehicles registered in foreign countries.

This legislation is not perfect and I remain concerned about an approach which statutorily restricts vehicles from entering the San Diego border more than twice in any one year. I question whether it will be possible to inspect and repair vehicles commuting daily from Mexico in only two visits. It's not difficult to imagine a host of problems when this plan is actually implemented.

Additionally, I think it's a mistake to exclude commercial traffic in San Diego from federal enforcement, when light-duty commercial traffic is responsible for the same types of air pollution problems that noncommercial traffic is. In effect, this legislation will focus on pollution from commuting workers and students, while ignoring pollution from commercial vehicles.

Notwithstanding these reservations, I commend Representative BILBRAY for resolving most of my concerns. I am especially pleased that California will have the option of changing their program from the prescriptive one mandated in this legislation.

I also want to commend Representative BROWN for a study he has sponsored that will analyze the impacts on air quality associated with the passage of the North American Free Trade Act. This will provide critical information for future efforts to control the adverse environmental effects of foreign diesel trucks entering our country.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BILBRAY) that the House suspend the rules and pass the bill, H.R. 8, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1700

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3249) to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Retirement Coverage Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Applicability.

Sec. 4. Restriction relating to future corrections.

Sec. 5. Irrevocability of elections.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

Sec. 101. Elections.

Sec. 102. Effect of an election to be transferred from CSRS to FERS to correct a retirement coverage error.

Sec. 103. Effect of an election to be transferred from CSRS-Offset to FERS to correct a retirement coverage error.

Sec. 104. Effect of an election to be transferred from CSRS to CSRS-Offset to correct a retirement coverage error.

Sec. 105. Effect of an election to be restored (or transferred) to CSRS-Offset after having been corrected to FERS from CSRS-Offset (or CSRS).

Sec. 106. Effect of election to remain FERS covered after having been corrected to FERS from CSRS-Offset (or CSRS).

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

Sec. 111. Elections.

Sec. 112. Effect of an election to become FERS covered to correct the retirement coverage error.

Sec. 113. Effect of an election to become CSRS-Offset covered to correct the retirement coverage error.

Sec. 114. Effect of an election to become CSRS covered to correct the retirement coverage error.

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

Sec. 121. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously FERS covered instead.

Sec. 122. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS-Offset covered instead.

Sec. 123. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS covered instead.

Sec. 124. Corrected error: situations under sections 121-123.

Sec. 125. Vested employees excepted from automatic exclusion.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

Sec. 131. Elections.

Sec. 132. Effect of an election to be transferred from FERS to CSRS to correct a retirement coverage error.

Sec. 133. Effect of an election to be transferred from FERS to CSRS-Offset to correct a retirement coverage error.

Sec. 134. Effect of an election to be restored to FERS after having been corrected to CSRS.

Sec. 135. Effect of an election to be restored to FERS after having been corrected to CSRS-Offset.

Sec. 136. Disqualification of certain individuals to whom same election was previously available.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

Sec. 141. Automatic transfer to CSRS-Offset.

Sec. 142. Effect of transfer.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

Sec. 151. Elections.

Sec. 152. Effect of an election to be transferred from CSRS-Offset to CSRS to correct the retirement coverage error.

Sec. 153. Effect of an election to be restored to CSRS-Offset after having been corrected to CSRS.

Subtitle G—Additional Provisions Relating to Government Agencies

Sec. 161. Repayment required in certain situations.

Sec. 162. Equitable sharing of amounts payable from the Government if more than one agency involved.

Sec. 163. Provisions relating to the original responsible agency.

TITLE II—GENERAL PROVISIONS

Sec. 201. Identification and notification requirements.

Sec. 202. Individual appeal rights.

Sec. 203. Information to be furnished by Government agencies to authorities administering this Act.

Sec. 204. Social Security records.

Sec. 205. Conforming amendments respecting Social Security coverage and OASDI taxes.

Sec. 206. Regulations.

Sec. 207. All elections to be approved by OPM.

Sec. 208. Additional transfers to OASDI trust funds in certain cases.

Sec. 209. Technical and conforming amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Provisions to permit continued conformity of other Federal retirement systems.

Sec. 302. Provisions to prevent reductions in force and any unfunded liability in the CSRDF.

Sec. 303. Individual right of action preserved for amounts not otherwise provided for under this Act.